

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MOSAID TECHNOLOGIES INC., LSI
CORPORATION, AGERE SYSTEMS LLC

Plaintiffs,

V.

No. 6:11-cv-00173-MHS
(Lead Case)

NVIDIA CORPORATION

Defendant.

ARM LTD., Arm, Inc.

DJ Plaintiffs,

V.

No. 6:12-cv-00008-MHS
(Consolidated Case)

MOSAID Technologies, Inc.

DJ Defendant.

JOINT MOTION TO DISMISS

On August 5, 2011, ARM LTD. and Arm, Inc. ("ARM") filed a Declaratory Judgment action against MOSAID Technologies, Inc. ("MOSAID") in the U.S. District Court for the Northern District of California (No. 6:12-cv-00008-MHS, Dkt. 1). On January 9, 2012, ARM's Declaratory Judgment action was transferred to this Court. (No. 6:12-cv-00008-MHS, Dkt. 34). On August 28, 2012, ARM's Declaratory Judgment action was consolidated with case number 6:11-cv-00173-MHS "for both pretrial and trial matters." (No. 6:12-cv-00008-MHS, Dkt. 42). In moving to consolidate the two cases, MOSAID and ARM disputed the scope of the declaratory judgment action filed by ARM in Case No. 6:12-cv-00008-MHS. *See* 6:12-cv-00008-MHS, Nos. 36, 37, 38, 41.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, MOSAID Technologies Inc. (“MOSAID”) and ARM Inc. and ARM Ltd. (the two collectively “ARM”), move this Court to dismiss all claims they have against each other in the above-captioned action without prejudice to re-filing of those claims including that the dismissal of this case shall not have any effect under Rule 41(a)(1)(B) and shall not preclude or impact ARM and MOSAID from litigating any claims in the future.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

A proposed Order accompanies this motion.

Respectfully submitted on July 11, 2013 by:

/s/ Jamie R. Lynn

David M. Schlitz
Lead Attorney
District of Columbia Bar No. 333369
E-mail: david.schlitz@bakerbotts.com
Jamie R. Lynn
District of Columbia Bar No. 987740
E-mail: jamie.lynn@bakerbotts.com
BAKER BOTTS, L.L.P.
The Warner
1299 Pennsylvania Ave., NW
Washington, DC 20004
Telephone: (202) 639-7700
Facsimile: (202) 639-7890

Kurt M. Pankratz
Texas State Bar No. 24013291
E-mail: kurt.pankratz@bakerbotts.com
Chad C. Walters
Texas State Bar No. 24034730
E-mail: chad.walters@bakerbotts.com
Jonathan B. Rubenstein
Texas State Bar No. 24037403
E-mail: jonathan.rubenstein@bakerbotts.com
BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, Texas 75201
Telephone: (214) 953-6500
Facsimile: (214) 953-6503

S. Calvin Capshaw
Texas State Bar No. 03783900
E-mail: ccapshaw@capshawlaw.com
CAPSHAW DERIEUX, LLP
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, Texas 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

**ATTORNEYS FOR PLAINTIFF
MOSAID TECHNOLOGIES INC.**

/s/ Kevin P. Anderson

Kevin P. Anderson
kanderson@wileyrein.com
Karin A. Hessler
khessler@wileyrein.com
WILEY REIN LLP
1776 K Street, NW
Washington, D.C. 20006
Tel.: 202.719.700
Fax: 202.719.7049

**ATTORNEYS FOR ARM, INC. AND
ARM, LTD.**

CERTIFICATE OF SERVICE

I certify that on July 11, 2013, all counsel who are deemed to have consented to electronic service are being served with a copy of this document by the Court's Electronic Filing System, under Local Rule CV-5(a)(3)(A).

/s/ Jamie R. Lynn
Jamie R. Lynn